

Date: 09-19-08Judge: O'GRADYReporter: N. LinnellStart: 9:36End: 11:27

UNITED STATES of AMERICA

Vs.

Barry E. G. tartsCase Number: 1:07cr464Counsel/Govt. Jay Prabhu / Josh GoldFoot / Tyler Newby Counsel/Def: Jonathan KatzCourt adopts PSI ( ☒ ) without exceptions ( ) with exceptions: Def's motion for new trial and Judgment of Acquittal - denied. Def's motion for sentence variance pursuant to 3553 - granted. Defendants objections - SEE OVER -> A variance downward was granted to correct disparity in sentences imposed on other co-conspirators.Sentencing Guidelines:Offense Level: 24

Court departs from Guidelines pursuant to:

Criminal History: IImprisonment Range: 51 to 63 monthsSupervised Release Range: 2 to 3 yearsFine Range: \$10,000 to 100,000Restitution: \$ -Special Assessment: \$ 100 ( ) Satisfied ( ) Unsatisfied, due immediately

USSG 5H1.4

USSG 5K1.1

USSG 5K2.12

USSG 5C1.2

Other: \_\_\_\_\_

Judgment of the Court:BOP for 18 months, with credit for time servedSupervised Release for 2 Years, with Special Conditions: ( ☒ ) Yes ( ) No

Supervised Probation for \_\_\_\_\_ Years, with Special Conditions: ( ) Yes ( ) No

Restitution: \$ \_\_\_\_\_

Fine: \$ 2,500 ( ☒ ) Due Immediately ( ☒ ) Monthly Installments of \$ 200 to begin w/in 30 days of release from custody/imposition of sentence after release.

( ) Fine/Costs of Supervision Waived

Special Conditions:

Defendant maintain uniform good behavior.

Defl. to remain drug free, Submit to In/Out patient treatment or testing as directed.

Defl. to participate in \_\_\_\_\_ counseling as directed.

Access to all financial records.

No new credit.

No Purchases over \$ \_\_\_\_\_ without prior approval from probation officer.

Pay restitution of \$ \_\_\_\_\_ in monthly installments of \$ \_\_\_\_\_ to begin within \_\_\_\_\_ days from release from custody/imposition of sentence.

Home Detention with electronic monitoring for the first \_\_\_\_\_ months of supervised release as directed by the probation officer.

Cooperate fully with INS.

Drug Testing waived.

Other: \_\_\_\_\_

Recommendations to BOP:Defl. to be designated to: a facility close to NYC to be near his family.

ICC (Boot Camp) type program

500 Hours Intensive Drug Treatment Program

Other: \_\_\_\_\_

Defendant: ( ) Remanded ( ☒ ) Bond Cont'd to Self Surrender ( ) Referred to USPO ( ) Immediate DeportationDefl. notified of right to appeal.

Objections by defendant:

1. History of offense - denied.
2. Marijuana charge - denied.
3. Obstruction of justice - denied.
4. Loss calculation - denied.